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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

A.No.5489 of 2024
in C.S.(Comm.Div.) No.109 of 2024

Mr R V Vinoth Kumar Sole Proprietor Of Manjal
No 6 9 kasturi Estate 3rd Street Poes Garden
Chennai 600 018

... Applicant

-VS-

M/s Kallal Hospitalities Private Limited
Having office at New No.2/4, Old No.101/4,
Ganesh Apartment, Kanagasree Nagar, Cathedral Road,
Gopalapuram, Chennai 600 086.No 6 9 kasturi Estate
3rd Street Poes Garden Chennai 600 018

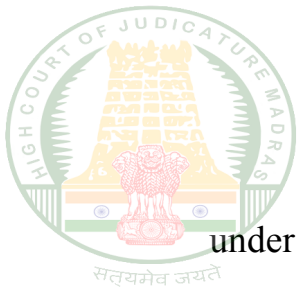
... Respondent

For Applicant : Mr.M.Dhanush
for Mr.Vijayan Subramanian

For Respondent : Mr.R.Krishnakumar for R1
Mr.Sreekar Aechuri for R2

ORDER

The suit was initially filed against Kallal Hospitalities Private Limited
seeking relief in respect of alleged passing off by operating restaurants



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under the name MANJAL. By order dated 15.07.2024, an interim injunction was granted restraining the respondent, Kallal Hospitalities Private Limited, from operating a restaurant under the name MANJAL at Yercaud and also restraining the opening of restaurants in the said name in any other place till the disposal of the suit.

2. Upon being informed that the restaurant at Yercaud was being operated by Manjal Restaurants Pvt. Ltd., (Manjal Restaurants) the said entity was impleaded as the second defendant. By alleging that there was wilful disobedience of the said order of interim injunction, the present application was filed under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908.

3. By affidavit dated 16.12.2024, which was affirmed by M.Aravinth Raj, Authorized Signatory of Kallal Hospitalities, it was stated, in relevant part, as under:

“The restaurants at ECR and yercaud locations are run by entirely different legal entity which is “Manjal Restaurants Pvt Ltd” and this respondent has no involvement.



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In the above circumstances I undertake that the respondent company is not running any restaurant in the name of “MANJAL” and undertake that the respondent company will not open any new restaurant in the name of “MANJAL” until the disposal of this present suit.”

4. Affidavit dated 03.02.2025 was filed on behalf of Manjal Restaurants, wherein it is stated as under:

“1. I respectfully submit that after coming know about the Hon'ble Madras High Court in O.A.No.426 of 2024 dated 15.07.2024 with the compliance of the order, I temporarily changed the restaurant name from “MANJAL RESTAURANTS” to “MALI MESS” at No.3/9/3, Ladies Street Road, Ondikadai, Yercaud – 636 601 and temporarily we are not using the name “MANJAL” on any internet platforms as well.

In the above circumstances I undertake that the respondent company is not running any restaurant in the name of “MANJAL” and undertake that the respondent company will not open any new restaurant in the name of “MANJAL” until the disposal of this present suit.”



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5. On instructions, learned counsel for MANJAL Restaurants states

that no restaurant was opened on the East-Coast Road.

6. By recording the above undertakings by both Kallal Hospitalities and Manjal Restaurants, this application is closed.

09.04.2025
(1/2)

rna



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SENTHILKUMAR RAMAMOORTHY,J

rna

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